

APPENDIX AA

Adopt on a permanent basis Supreme Court Rule 42(10)(c), which was adopted on a temporary basis by supreme court order dated December 30, 2003, and which states as follows:

(c) For the purposes of Rule 42, the "active practice of law" shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located. For the purposes of Rule 42, an applicant's service as corporate counsel shall not constitute the unauthorized practice of law in New Hampshire provided that the applicant submits an affidavit certifying that:

(i) while serving as counsel, the applicant performed legal services solely for a corporation, association or other business entity, including its subsidiaries and affiliates;

(ii) while serving as counsel, the applicant received his or her entire compensation from said corporation, association or business entity; and

(iii) said corporation, association or business entity is not engaged in the practice of law or provision of legal services.

APPENDIX BB

Adopt on a permanent basis Supreme Court Rule 42(11), which was amended on a temporary basis by supreme court order dated August 27, 2003, and by supreme court order dated December 30, 2003, and which states as follows:

(11) An applicant who is domiciled in the United States, is of the age of 18 years, and meets the following requirements may, upon motion, be admitted to the practice of law without taking and passing the New Hampshire bar examination, provided that the State of Vermont allows admission without examination of persons admitted to practice law in New Hampshire under circumstances comparable to those set forth in this rule. The applicant shall.

(a) Be licensed to practice law in the State of Vermont and be an active member of the Vermont bar;

(b) Have been primarily engaged in the active practice of law in Vermont for no less than three years immediately preceding the date upon which the motion is filed;

(c) Produce evidence that the Multistate Professional Responsibility Examination has been satisfactorily completed prior to the date upon which the motion is filed;

(d) Establish that the applicant is currently a member in good standing in all jurisdictions where admitted;

(e) Establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction;

(f) Establish that the applicant possesses the character and fitness to practice law in New Hampshire;

(g) Have completed at least fifteen hours of continuing legal education on New Hampshire practice and procedure in courses approved by the NHMCLE Board within one year immediately preceding the date upon which the motion is filed and be certified by the NHMCLE Board as satisfying this requirement; and

(h) Designate the clerk of the supreme court for service of process.

APPENDIX CC

Adopt on a permanent basis Supreme Court Rule 42(12), which was amended on a temporary basis by supreme court order dated August 27, 2003, and by supreme court order dated December 30, 2003, and which states as follows:

(12) An applicant who is domiciled in the United States, is of the age of 18 years, and meets the following requirements may, upon motion, be admitted to the practice of law without taking and passing the New Hampshire bar examination, provided that the State of Maine allows admission without examination of persons admitted to practice law in New Hampshire under circumstances comparable to those set forth in this rule. The applicant shall.

(a) Be licensed to practice law in the State of Maine and be an active member of the Maine bar;

(b) Have been primarily engaged in the active practice of law in Maine for no less than three years immediately preceding the date upon which the motion is filed;

(c) Have graduated from a law school approved by the American Bar Association having a three (3) year course and requiring students to devote substantially all their working time to study, called a full-time law school; from a law school approved by the American Bar Association having a course of not less than four (4) school years equivalent in the number of working hours to a three (3) year course in a full-time law school and in which students devote only part of their working time to their studies, called a part-time law school; or from a law school in an English-speaking, common law country having pursued a course of study substantially equivalent to that of a law school approved by the American Bar Association. A combination of study in full-time and part-time law schools will be accepted only if such law schools meet the above requirements, and the applicant shall have graduated from one or the other. Study in any law school which conducts its courses by correspondence or does not require attendance of its students at its lectures or classes shall not constitute compliance with the rule;

(d) Produce evidence that the Multistate Professional Responsibility Examination has been satisfactorily completed prior to the date upon which the motion is filed;

(e) Establish that the applicant is currently a member in good standing in all jurisdictions where admitted;

(f) Establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction;

(g) Establish that the applicant possesses the character and fitness to practice law in New Hampshire;

(h) Have completed at least fifteen hours of continuing legal education on New Hampshire practice and procedure in courses approved by the NHMCLE Board within one year immediately preceding the date upon which the motion is filed and be certified by the NHMCLE Board as satisfying this requirement; and

(i) Designate the clerk of the supreme court for service of process.

APPENDIX DD

Amend Supreme Court Rule 42-A by deleting said rule and replacing it with the following:

RULE 42A. NON-PAYMENT OF BAR DUES

(A) Whenever the bar membership of a person admitted to the bar of this State shall have been suspended for non-payment of dues under the Constitution and By-Laws of the New Hampshire Bar Association and not have been reinstated within six (6) months, an order shall be issued suspending that person from the practice of law in this State. Reinstatement thereafter shall be only by order, upon petition to this court following reinstatement to membership in the Bar Association in accordance with the provisions of said Constitution and By-Laws.

(B)(1) If the petition to this court is filed more than one year after the date of the order suspending the person from the practice of law in this State, then the petition shall be accompanied by evidence of continuing competence and learning in the law, and evidence of continuing moral character and fitness. If the evidence of continuing competence and learning in the law, and evidence of continuing moral character and fitness, are satisfactory to the court, the court may order reinstatement upon such conditions as it deems appropriate.

(2) If the evidence of continuing competence and learning in the law is not satisfactory to the court, the court shall refer the motion for reinstatement to the professional conduct committee for referral to a panel of the hearings committee. The hearing panel shall promptly schedule a hearing at which the attorney shall have the burden of demonstrating by a preponderance of the evidence that he or she has the competency and learning in law required for reinstatement. At the conclusion of the hearing, the hearing panel shall promptly file a report containing its findings and recommendations and transmit same, together with the record, to the professional conduct committee. The professional conduct committee shall review the report of the hearings committee panel, the record and the hearing transcript and shall file its own recommendations and findings, together with the record, with the court. Following the submission of briefs, if necessary, and oral argument, if any, the court shall enter a final order.

(3) If the evidence of continuing moral character and fitness is not satisfactory to the court, the court shall order the applicant to file with the committee on character and fitness and with the clerk of the supreme court the petition and questionnaire referred to in Supreme Court Rule 42(5)(e). Further proceedings shall be governed by Rule 42.

APPENDIX EE

Amend Supreme Court Rule 45 by deleting said rule and replacing it with the following:

RULE 45. CONTINUING JUDICIAL EDUCATION

(1) Continuing judicial training and education is essential to maintain public confidence in the judiciary and the highest level of professional standards.

Accordingly, at a minimum, the judges, masters, and clerks and registers of our respective courts and the Director of the Administrative Office of the Courts shall be required to attend continuing judicial education programs, subject to the availability of funds, as follows:

(a) Justices of the Supreme Court shall attend at least one Appellate Judges Seminar or similar program at least once a year.

(b) Justice(s) of the Superior Court shall attend the general jurisdiction program at the National Judicial College or a similar educational program as determined by the Chief Justice of the Superior Court within two years of their appointment and shall attend at least one in-state, regional, or national educational program approved by the Chief Justice of the Superior Court every year thereafter. All superior court clerks shall attend at least one in-state, regional, or national court-related educational program approved by the Chief Justice of the Superior Court each year. All marital masters shall attend at least one in-state, regional, or national educational program approved by the Chief Justice of the Superior Court each year. The Chief Justice of the Superior Court shall coordinate all educational activities within the Superior Court with the New Hampshire Supreme Court Office of General Counsel.

(c) Full-time probate judges shall attend a basic educational program at the National Judicial College or a similar educational program as determined by the Administrative Judge of the Probate Court within two years of their appointment. All probate judges shall attend at least one in-state, regional, or national educational program approved by the Administrative Judge of the Probate Court each year. All registers shall attend at least one in-state, regional, or national educational program approved by the Administrative Judge of the Probate Court each year. The Administrative Judge of the Probate Court shall

coordinate all educational activities within the Probate Court with the New Hampshire Supreme Court Office of General Counsel.

(d) Full-time justices of the district courts shall attend a basic educational program at the National Judicial College or a similar educational program as determined by the Administrative Judge of the District Court within two years of their appointment, and all district court judges shall attend at least one in-state, regional, or national educational program approved by the Administrative Judge of the District Court each year. All district court clerks shall attend at least one in-state, regional, or national educational program approved by the Administrative Judge of the District Court each year. The Administrative Judge of the District Court shall coordinate all educational activities within the District Court with the New Hampshire Supreme Court Office of General Counsel.

(e) The Director of the Administrative Office of the Courts shall attend at least one in-state, regional, or national educational program approved by the Chief Justice of the Supreme Court each year.

(f) Exceptions to this rule for good cause shown may be approved by the Supreme Court.

APPENDIX FF

Adopt on a permanent basis Supreme Court Rule 48-B, which was adopted on a temporary basis by supreme court order dated June 10, 2003, and which states as follows:

RULE 48-B. MEDIATOR FEES

(1) Scope. The provisions of this rule shall apply only to proceedings in which the parties are ordered to participate in mediation under RSA 458:15-a.

(2) Fees.

(a) Indigent cases. In the event both parties are indigent, the mediator shall be paid a set fee of \$300.00 for his or her services if one or more sessions occur. The court may order each party to pay a proportional amount of said fee. The fee shall be paid from the special fund established pursuant to RSA 458:17-b and repaid by the parties in accordance with RSA 458:17-e.

(b) Other cases. In cases that do not qualify as indigent, the fee shall be \$60.00 per hour. The fee shall be a charge against the parties in a proportional amount as the court may determine.

(c) Missed sessions. In indigent cases, if the parties, or either of them, fail to appear for the first session with the mediator, the mediator shall be paid \$120.00 from the special fund in lieu of the \$300.00 set fee. In other than indigent cases, if the parties or either of them fail to appear for any session with the mediator, the mediator shall be paid \$120.00 for the missed session. The court may allot the responsibility for paying the mediator or reimbursing the state for fees for missed sessions between the parties, as justice requires.

APPENDIX GG

Amend Supreme Court Rule 49 by deleting said rule and replacing it with the following.

RULE 49. FEES IN SUPREME COURT

(I) Fees

(A) Entry of Appeal	\$125.00
(B) Petition for Original Jurisdiction	
(1) Original petition for writ of habeas corpus	\$ 0 (No fee)
(2) All other petitions for original jurisdiction	\$125.00
(C) (1) Certification of Record to Federal Courts	\$75.00
(2) Other Certifications and Certified Copies	\$5.00 plus \$.50/page
(D) Bar Examination Fee	\$200.00
(E) Character and Fitness Investigation Fee	
(1) For Admission By Examination	\$ 125.00
(2) For Admission Without Examination	\$ 500.00
(F) Certificate of Admission	\$ 5.00
(G) Entry of Motion for Admission to Bar Without Examination	\$ 200.00

(II) Surcharge

Pursuant to RSA 490:24, II, the sum of \$20.00 shall be added to the fees set forth in paragraphs (I)(A) and (I)(B)(2) above.

APPENDIX HH

Amend Supreme Court Rule 50-A(2) by deleting said subsection and replacing it with the following:

(2) An attorney who fails to comply with the requirements of Rule 50 with respect to the maintenance, availability, and preservation of accounts and records, who fails to file the required annual Certificate of Compliance, or the annual Authorization to Financial Institutions or a Notice of Declination, or who fails to produce trust account records as required shall be deemed to be in violation of Rule 1.15 of the Rules of Professional Conduct and the applicable Supreme Court Rule. Unless upon petition to the Supreme Court an extension has been granted, failure to file the required annual Certificate of Compliance by August 1st shall, in addition, subject the attorney to one or more of the following penalties and procedures:

A. A fine of \$100 for each month or fraction thereof after August 1st in which the Certificate of Compliance remains unfiled; in addition, an attorney who has been fined \$300 or more under this section may be suspended from the practice of law in this State;

B. Audit of the attorney's trust accounts and other financial records at the expense of the attorney, if the certificate remains unfiled on December 1st; and

C. Based upon results of the audit, initiation of proceedings for further sanctions, including suspension.

Any check, draft or money order received as payment of any fine imposed pursuant to this rule, which is returned to the court as uncollectable, shall be returned to the sender and shall not constitute payment of the fine. Whenever any check, draft or money order issued in payment of any fine imposed pursuant to this rule is returned to the court as uncollectable, the court shall charge a fee of \$25, plus all protest and bank fees, in addition to the amount of the check, draft or money order to the person presenting the check, draft or money order to cover the costs of collection. The fine shall not be considered paid until the fine plus all fees have been paid.

Reinstatement following a suspension ordered pursuant to Rule 50-A(2)(A) above shall be only by order of the Supreme Court, upon petition to the court following the filing of the Certificate of Compliance and payment of the fine. If the petition is filed more

than one year after the date of the order suspending the person from the practice of law in this State, then the petition shall be accompanied by evidence of continuing competence and learning in the law, and evidence of continuing moral character and fitness. If the evidence of continuing competence and learning in the law, and evidence of continuing moral character and fitness, are satisfactory to the court, the court may order reinstatement upon such conditions as it deems appropriate.

If the evidence of continuing competence and learning in the law is not satisfactory to the court, the court shall refer the motion for reinstatement to the professional conduct committee for referral to a panel of the hearings committee. The hearing panel shall promptly schedule a hearing at which the attorney shall have the burden of demonstrating by a preponderance of the evidence that he or she has the competency and learning in law required for reinstatement. At the conclusion of the hearing, the hearing panel shall promptly file a report containing its findings and recommendations and transmit same, together with the record, to the professional conduct committee. The professional conduct committee shall review the report of the hearings committee panel, the record and the hearing transcript and shall file its own recommendations and findings, together with the record, with the court. Following the submission of briefs, if necessary, and oral argument, if any, the court shall enter a final order.

If the evidence of continuing moral character and fitness is not satisfactory to the court, the court shall order the applicant to file with the committee on character and fitness and with the clerk of the supreme court the petition and questionnaire referred to in Supreme Court Rule 42(5)(e). Further proceedings shall be governed by Rule 42.

APPENDIX II

Amend Supreme Court Rule 50-A Appendix by deleting the title of the appendix through and including the NOTICE TO BAR FOUNDATION sample letter and replacing that portion of the appendix with the following:

APPENDIX TO RULE 50-A

INTEREST ON TRUST ACCOUNTS PROGRAM SIGN-UP FORM AND ANNUAL TRUST ACCOUNTING COMPLIANCE CERTIFICATE

To establish an IOLTA account, download the Authorization to Financial Institutions form from the website of the New Hampshire Bar Foundation (see link to website below) or obtain a copy from the New Hampshire Bar Foundation. A copy of the form with new account information should be faxed to 603-224-2910 or mailed to the New Hampshire Bar Foundation, 112 Pleasant Street, Concord, NH 03301.

The AUTHORIZATION TO FINANCIAL INSTITUTIONS FORM may be downloaded from the website of the New Hampshire Bar Foundation at the following address:

http://www.nhbarfnd.org/pdf/IOLTA_Authorization.pdf

APPENDIX JJ

Amend Supreme Court Rule 53.7 B. by deleting said paragraph and replacing it with the following:

B. Reinstatement –

1. Upon correction of the delinquency and payment to the NHCLE Board of the delinquency fee, the delinquent lawyer shall be recorded as in compliance by the NHCLE Board. However, if the lawyer shall have been suspended due to such delinquency, the suspended lawyer must also request the NHCLE Board to move for reinstatement to the practice of law. Within thirty (30) days of a request for reinstatement by a lawyer, the NHCLE Board shall submit a motion to the Supreme Court for reinstatement.

2. If the request to the NHCLE Board to move for reinstatement is filed with the NHCLE Board more than one year after the date of the order suspending the person from the practice of law in this State, then the request shall be accompanied by evidence of continuing competence and learning in the law, and evidence of continuing moral character and fitness. The NHCLE Board shall attach a copy of said evidence to the motion that it thereafter files with the Supreme Court for reinstatement. If the evidence of continuing competence and learning in the law, and evidence of continuing moral character and fitness, are satisfactory to the court, the court may order reinstatement upon such conditions as it deems appropriate.

If the evidence of continuing competence and learning in the law is not satisfactory to the court, the court shall refer the motion for reinstatement to the professional conduct committee for referral to a panel of the hearings committee. The hearing panel shall promptly schedule a hearing at which the attorney shall have the burden of demonstrating by a preponderance of the evidence that he or she has the competency and learning in law required for reinstatement. At the conclusion of the hearing, the hearing panel shall promptly file a report containing its findings and recommendations and transmit same, together with the record, to the professional conduct committee. The professional conduct committee shall review the report of the hearings committee panel, the record and the hearing transcript and shall file its own recommendations and findings, together with the record, with the

court. Following the submission of briefs, if necessary, and oral argument, if any, the court shall enter a final order.

If the evidence of continuing moral character and fitness is not satisfactory to the court, the court shall order the applicant to file with the committee on character and fitness and with the clerk of the supreme court the petition and questionnaire referred to in Supreme Court Rule 42(5)(e). Further proceedings shall be governed by Rule 42.

APPENDIX KK

Adopt on a permanent basis Supreme Court Rule 54(4), which was amended on a temporary basis by supreme court order dated April 21, 2004, and which states as follows:

(4) An administrative council is established to facilitate communications among the various courts and the administrative office of the courts. Membership on the council shall include each administrative judge and the director of the administrative office of the courts. The chief justice of the supreme court shall designate an associate justice to serve as liaison between the supreme court and the administrative council. The administrative council shall meet regularly maintaining a flexible agenda, providing the opportunity to exchange views, measure progress, resolve conflicts, receive recommendations from the policy formulation committees and make recommendations to the supreme court. The administrative council shall keep the supreme court apprised of matters being considered by the council and shall meet periodically with the supreme court to enhance the effective and efficient administration of the judicial branch.

APPENDIX LL

Adopt on a permanent basis Supreme Court Rule 56 (III), which was amended on a temporary basis by supreme court orders dated June 2, 2003, and April 21, 2004, and which states as follows:

(III) Evaluation of Supreme Court Justices

The supreme court shall design a questionnaire to be distributed every three years to a representative selection of attorneys and parties who appeared before the court to assess the performance of the court during this period.

The court will adopt relevant objective appellate court performance standards and regularly evaluate its performance according to such standards.

Each justice shall complete a self-evaluation form designed to assess whether the justice has met the applicable judicial performance standards during the evaluation period.

The justices shall meet annually to evaluate each other's performance.

APPENDIX MM

Amend Superior Court Rule 19 by deleting said rule and replacing it with the following:

19. (a) An attorney, who is not a member of the Bar of this State, shall not be allowed to engage in the trial or hearing in any case, except on application to appear pro hac vice, which will not ordinarily be granted unless a member of the Bar of this State is associated with him or her and present at the trial or hearing.

(b) An attorney who is not a member of the Bar of this State seeking to appear pro hac vice shall file a verified application with the court, which shall contain the following information:

- (1) the applicant's residence and business address;
- (2) the name, address and phone number of each client sought to be represented;
- (3) the courts before which the applicant has been admitted to practice and the respective period(s) of admission;
- (4) whether the applicant: (i) has been denied admission pro hac vice in this State; (ii) had admission pro hac vice revoked in this State; or (iii) has otherwise formally been disciplined or sanctioned by any court in this State. If so, the applicant shall specify the nature of the allegations; the name of the authority bringing such proceedings; the caption of the proceedings, the date filed, and what findings were made and what action was taken in connection with those proceedings;
- (5) whether any formal, written disciplinary proceeding has ever been brought against the applicant by any disciplinary authority in any other jurisdiction within the last five years and, as to each such proceeding: the nature of the allegations; the name of the person or authority bringing such proceedings; the date the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings;
- (6) whether the applicant has been formally held in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to its rules or orders, and, if so: the nature of the allegations; the name of the court before which such proceedings were conducted; the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings (a copy of the written order or transcript of the oral rulings shall be attached to the application); and
- (7) the name and address of each court or agency and a full identification of each proceeding in which the applicant has filed an application to appear pro hac vice

in this State within the preceding two years; the date of each application; and the outcome of the application.

(8) In addition, unless this requirement is waived by the superior court, the verified application shall contain the name, address, telephone number and bar number of an active member in good standing of the Bar of this State who will be associated with the applicant and present at any trial or hearing.

(c) The court has discretion as to whether to grant applications for admission pro hac vice. An application ordinarily should be granted unless the court finds reason to believe that such admission:

(1) may be detrimental to the prompt, fair and efficient administration of justice;

(2) may be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent;

(3) one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk; or

(4) the applicant has engaged in such frequent appearances as to constitute common practice in this State.

APPENDIX NN

Amend Superior Court Rule 78 by deleting said rule and replacing it with the following.

PHOTOGRAPHING, RECORDING AND BROADCASTING

78. (a) The presiding judge should permit the media to photograph, record and broadcast all courtroom proceedings that are open to the public. The presiding judge may limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequence. Except as specifically provided in this rule, or by order of the presiding judge, no person shall within the courtroom take any photograph, make any recording, or make any broadcast by radio, television or other means in the course of any proceeding.

(b) Official court reporters and authorized recorders, are not prohibited by section (a) of this rule from making voice recordings for the sole purpose of discharging their official duties.

(c) *Proposed Limitations on Coverage by the Electronic Media.* Any party to a court proceeding – or any other interested person – shall notify the court at the inception of a matter, or as soon as practicable, if that person intends to ask the court to limit electronic media coverage of any proceeding that is open to the public. Failure to notify the court in a timely fashion may be sufficient grounds for the denial of such a request. In the event of such a request, the presiding judge shall either deny the request or issue an order notifying the parties to the proceeding and all other interested persons that such a limitation has been requested, establish deadlines for the filing of written objections by parties and interested persons, and order an evidentiary hearing during which all interested persons will be heard. The same procedure for notice and hearing shall be utilized in the event that the presiding judge *sua sponte* proposes a limitation on coverage by the electronic media. A copy of the court's order shall, in addition to being incorporated in the case docket, be sent to the Associated Press, which will disseminate the court's order to its members and inform them of upcoming deadlines/hearing.

(d) *Advance Notice of Requests for Coverage.* Any requests to bring cameras, broadcasting equipment and recording devices into a New Hampshire courtroom for coverage of any court proceedings shall be made as far in advance as practicable. If no objection to the requested electronic coverage is received by the court, coverage shall be permitted in compliance with this rule. If an objection is made, the media will be so advised and the court will conduct an evidentiary hearing during which all interested parties will be heard to determine whether, and to what extent, coverage by the electronic media or still photography will be limited. This rule and procedures also apply to all court proceedings conducted outside the courtroom or the court facility.

(e) *Pool Coverage.* The presiding judge retains discretion to limit the number of still cameras and the amount of video equipment in the courtroom at one time and may require the media to arrange for pool coverage. The court will allow reasonable time prior to a proceeding

for the media to set up pool coverage for television, radio and still photographers providing broadcast quality sound and video.

(1) It is the responsibility of the news media to contact the clerk of court in advance of a proceeding to determine if pool coverage will be required. If the presiding judge has determined that pool coverage will be required, it is the sole responsibility of the media, with assistance as needed from the court clerk, to determine which news outlet will serve as the “pool.” Disputes about pool coverage will not ordinarily be resolved by the court. Access may be curtailed if pool agreements cannot be reached.

(2) In the event of multiple requests for media coverage, because scheduling renders a pool agreement impractical, the court clerk retains the discretion to rotate media representatives into and out of the courtroom.

(f) *Live Feed.* Except for good cause shown, requests for live coverage should be made at least five (5) days in advance of a proceeding.

(g) *Exhibits.* For purposes of this rule, access to exhibits will be at the discretion of the presiding judge. The court retains the discretion to make one “media” copy of each exhibit available in the court clerk’s office.

(h) *Equipment.* Exact locations for all video and still cameras, and audio equipment within the courtroom will be determined by the presiding judge. Movement in the courtroom is prohibited, unless specifically approved by the presiding judge.

(1) Placement of microphones in the courtroom will be determined by the presiding judge. An effort should be made to facilitate broadcast quality sound. All microphones placed in the courtroom will be wireless.

(2) Video and photographic equipment must be of professional quality with minimal noise so as not to disrupt the proceedings; flash equipment and other supplemental lighting or sound equipment is prohibited unless otherwise approved by the presiding judge.

(i) *Restrictions.* Unless otherwise ordered by the presiding judge, the following standing orders shall govern.

(1) No flash or other lighting devices will be used.

(2) Set up and dismantling of equipment is prohibited when court is in session.

(3) No camera movement during court session.

(4) No cameras permitted behind the defense table.

(5) Broadcast equipment will be positioned so that there will be no audio recording of conferences between attorney and client or among counsel and the presiding judge at the bench. Any such recording is prohibited.

(6) During their term of jury service, jurors will not be photographed in connection with said service.

(7) Photographers and videographers must remain a reasonable distance from parties, counsel tables, alleged victims, witnesses and families unless the trial participant voluntarily approaches the camera position.

(8) All reporters and photographers will abide by the directions of the court officers at all times.

(9) Broadcast or print interviews will not be permitted inside the courtroom before or after a proceeding.

(10) Photographers, videographers and technical support staff covering a proceeding shall avoid activity that might distract participants or impair the dignity of the proceedings.

(11) Appropriate dress is required.

Comment

As the New Hampshire Supreme Court stated in Petition of WMUR Channel 9, 148 N.H. 644 (2002), a presiding judge should permit the media to photograph, record and broadcast all courtroom proceedings that are open to the public. A judge may limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequence. Closure of proceedings to the electronic media, however, should occur only if four requirements are met. (1) closure advances an overriding interest that is likely to be prejudiced; (2) the closure ordered is no broader than necessary to protect that interest; (3) the judge considers reasonable alternatives to closing the proceedings; and (4) the judge makes particularized findings to support the closure on the record.

It is the presiding judge's responsibility to ensure that trials are conducted in a fair and impartial manner, free from undue pressures and outside influences. Similarly, the presiding judge has a responsibility to the public and the press to provide reasonable access to judicial proceedings. Above all, trials must be conducted in an atmosphere of dignity and decorum.

In Petition of WMUR Channel 9, the New Hampshire Supreme Court held, among other things, that the presiding judge can limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequences. The Supreme Court required that trial court orders restricting coverage be. (1) based on clearly articulated findings of fact; (2) made after an evidentiary hearing during which all interested parties are entitled to be heard; (3)

drawn narrowly to address a particular problem; and (4) imposed only when no other practical alternative is available.

APPENDIX OO

Amend Superior Court Rule 98 C. by deleting said section and replacing it with the following section C.

C. Exchange of Information Concerning Trial Witnesses.

(1) Not less than twenty (20) calendar days prior to jury selection or, in the case of a pretrial evidentiary hearing, not less than three (3) calendar days prior to such hearing, the state shall provide the defendant with a list of the names of the witnesses it anticipates calling at the trial or hearing. Contemporaneously with the furnishing of such witness list and to the extent not already provided pursuant to paragraph A(2)(i) of this rule the state shall also provide the defendant with all statements of witnesses the state anticipates calling at the trial or hearing. At this same time, the state also shall furnish the defendant with the results of New Hampshire criminal record checks for all of the state's trial or hearing witnesses other than those witnesses who are experts or law enforcement officers.

For each expert witness included on the list of witnesses, the state shall provide a brief summary of the expert's education and experience relevant to his area of expertise, state the subject matter on which the expert is expected to testify, state a summary of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and provide a copy of any expert report relating to such expert.

(2) Not later than the final pretrial conference or ten (10) calendar days before jury selection, whichever occurs first, or, in the case of a pretrial evidentiary hearing, not less than two (2) calendar days prior to such hearing, the defendant shall provide the state with a list of the names of the witnesses the defendant anticipates calling at the trial or hearing. Contemporaneously with the furnishing of such witness list, the defendant shall also provide the state with all statements of witnesses the defendant anticipates calling at the trial or hearing. Notwithstanding the preceding sentence, this rule does not require the defendant to provide the state with copies of or access to statements of the defendant.

For each expert witness included on the list of witnesses, the defendant shall provide a brief summary of the expert's education and experience relevant to his area of expertise, state the subject matter on which the expert is expected to testify, state a summary of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and provide a copy of any expert report relating to such expert.

(3) For purposes of this rule, a "statement" of a witness means: (i) a written statement signed or otherwise adopted or approved by the witness; (ii) a stenographic,

mechanical, electrical or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement made by the witness and recorded contemporaneously with the making of such oral statement; and (iii) the substance of an oral statement made by the witness and memorialized or summarized within any notes, reports or other writings or recordings, except that, in the case of notes personally prepared by the attorney representing the state or the defendant at trial, such notes do not constitute a "statement" unless they have been adopted or approved by the witness or by a third person who was present when the oral statement memorialized or summarized within the notes was made.

APPENDIX PP

Adopt new Superior Court Rule 102-A as follows:

PLAIN ERROR

102-A. A plain error that affects substantial rights may be considered even though it was not brought to the court's attention.

APPENDIX QQ

Amend Superior Court Rule 169 by adding a new section (V), so that said rule as amended shall state as follows.

169. FEES.

(I) The appropriate fee must accompany all filings. All fees shall be consolidated into a single payment, when possible.

(II) 32.8% of the entry fee paid in each libel and petition in marital cases (\$41.00) shall be deposited into the special fund established by RSA 458:17-b. Said fund is for the compensation of mediators, appointed pursuant to RSA 458:15-a, and guardians ad litem, appointed pursuant to RSA 458:17-a, when the parents are indigent.

(III) (A) Original Entries.

(1) Original Entry of any Action at Law or Equity except a petition for writ of habeas corpus; Original Entry of all Marital Matters, including Order of Notice and Guardian ad Litem Fee; Transfer; the filing of a foreign judgment pursuant to RSA 524-A; or any Special Writ	\$ 125.00
(2) Original Entry of a petition for writ of habeas corpus	\$ 0 (no fee)
(B) Small Claim Transfer Fee	\$ 90.00
(C) Motion to Bring Forward (post judgment)	\$ 50.00
(D) Petition to Annul Criminal Record	\$ 50.00
(E) Wage Claim Decision	\$ 25.00
(F) Marriage Waiver	\$ 25.00
(G) Motion for Periodic Payments	\$ 15.00

(H) Original Writ (form) \$ 1.00

(I) Divorce Certificate (VSR) only
Divorce Certificate, Certified Copy of Decree and
if applicable, Stipulation, QDRO, USO,
and other Decree-related Documents \$ 15.00

(J) Certificates and Certified Copies \$ 5.00

(K) All Copied Material \$.50/page

(IV) On the commencement of any custody or support proceeding for which a fee is required, including libels for divorce with minor children, an additional fee of \$2.00 shall be paid by the petitioner.

(V) Pursuant to RSA 490:24, II, the sum of \$20.00 shall be added to the fees set forth in paragraphs (III)(A)(1) and (III)(C) above.

APPENDIX RR

Repeal Superior Court Administrative Rule 12-8.

APPENDIX SS

Amend District and Municipal Court Rule 1.3 C by deleting said paragraph and replacing it with the following:

C. (1) An attorney, who is not a member of the Bar of this State, shall not be allowed to engage in the trial or hearing in any case, except on application to appear pro hac vice, which will not ordinarily be granted unless a member of the Bar of this State is associated with him or her and present at the trial or hearing.

(2) An attorney who is not a member of the Bar of this State seeking to appear pro hac vice shall file a verified application with the court, which shall contain the following information:

- (a) the applicant's residence and business address;
- (b) the name, address and phone number of each client sought to be represented;
- (c) the courts before which the applicant has been admitted to practice and the respective period(s) of admission;
- (d) whether the applicant: (i) has been denied admission pro hac vice in this State; (ii) had admission pro hac vice revoked in this State; or (iii) has otherwise formally been disciplined or sanctioned by any court in this State. If so, the applicant shall specify the nature of the allegations; the name of the authority bringing such proceedings; the caption of the proceedings, the date filed, and what findings were made and what action was taken in connection with those proceedings;
- (e) whether any formal, written disciplinary proceeding has ever been brought against the applicant by any disciplinary authority in any other jurisdiction within the last five years and, as to each such proceeding: the nature of the allegations; the name of the person or authority bringing such proceedings; the date the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings;
- (f) whether the applicant has been formally held in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to its rules or orders, and, if so: the nature of the allegations; the name of the court before which such proceedings were conducted; the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings (a copy of the written order or transcript of the oral rulings shall be attached to the application); and

(g) the name and address of each court or agency and a full identification of each proceeding in which the applicant has filed an application to appear pro hac vice in this State within the preceding two years; the date of each application; and the outcome of the application.

(h) In addition, unless this requirement is waived by the district court, the verified application shall contain the name, address, telephone number and bar number of an active member in good standing of the Bar of this State who will be associated with the applicant and present at any trial or hearing.

(3) The court has discretion as to whether to grant applications for admission pro hac vice. An application ordinarily should be granted unless the court finds reason to believe that such admission:

(a) may be detrimental to the prompt, fair and efficient administration of justice;

(b) may be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent;

(c) one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk; or

(d) the applicant has engaged in such frequent appearances as to constitute common practice in this State.

APPENDIX TT

Amend District and Municipal Court Rule 1.4 by deleting said rule and replacing it with the following.

Rule 1.4. Regulation of conduct in the courtroom

(a) The presiding judge should permit the media to photograph, record and broadcast all courtroom proceedings that are open to the public. The presiding judge may limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequence. Except as specifically provided in this rule, or by order of the presiding justice, no person shall within the courtroom take any photograph, make any recording, or make any broadcast by radio, television or other means in the course of any proceeding.

(b) Official court reporters and authorized recorders, are not prohibited by section (a) of this rule from making voice recordings for the sole purpose of discharging their official duties.

(c) *Proposed Limitations on Coverage by the Electronic Media.* Any party to a court proceeding – or any other interested person – shall notify the court at the inception of a matter, or as soon as practicable, if that person intends to ask the court to limit electronic media coverage of any proceeding that is open to the public. Failure to notify the court in a timely fashion may be sufficient grounds for the denial of such a request. In the event of such a request, the presiding judge shall either deny the request or issue an order notifying the parties to the proceeding and all other interested persons that such a limitation has been requested, establish deadlines for the filing of written objections by parties and interested persons, and order an evidentiary hearing during which all interested persons will be heard. The same procedure for notice and hearing shall be utilized in the event that the presiding judge *sua sponte* proposes a limitation on coverage by the electronic media. A copy of the court's order shall, in addition to being incorporated in the case docket, be sent to the Associated Press, which will disseminate the court's order to its members and inform them of upcoming deadlines/hearing.

(d) *Advance Notice of Requests for Coverage.* Any requests to bring cameras, broadcasting equipment and recording devices into a New Hampshire courtroom for coverage of any court proceedings shall be made as far in advance as practicable. If no objection to the requested electronic coverage is received by the court, coverage shall be permitted in compliance with this rule. If an objection is made, the media will be so advised and the court will conduct an evidentiary hearing during which all interested parties will be heard to determine whether, and to what extent, coverage by the electronic media or still photography will be limited. This rule and procedures also apply to all court procedures conducted outside the courtroom or the court facility.

(e) *Pool Coverage.* The presiding judge retains discretion to limit the number of still cameras and the amount of video equipment in the courtroom at one time and may require the media to arrange for pool coverage. The court will allow reasonable time prior to a proceeding

for the media to set up pool coverage for television, radio and still photographers providing broadcast quality sound and video.

(1) It is the responsibility of the news media to contact the clerk of court in advance of a proceeding to determine if pool coverage will be required. If the presiding judge has determined that pool coverage will be required, it is the sole responsibility of the media, with assistance as needed from the court clerk, to determine which news outlet will serve as the “pool.” Disputes about pool coverage will not be resolved by the court. Access may be curtailed if pool agreements cannot be reached.

(2) In the event of multiple requests for media coverage, because scheduling renders a pool agreement impractical, the court clerk retains the discretion to rotate media representatives into and out of the courtroom.

(f) *Live Feed.* Except for good cause shown, requests for live coverage should be made at least five (5) days in advance of a proceeding.

(g) *Exhibits.* For purposes of this rule, access to exhibits will be at the discretion of the presiding judge. The court retains the discretion to make one “media” copy of each exhibit available in the court clerk’s office.

(h) *Equipment.* Exact locations for all video and still cameras, and audio equipment within the courtroom will be determined by the presiding judge. Movement in the courtroom is prohibited, unless specifically approved by the presiding judge.

(1) Placement of microphones in the courtroom will be determined by the presiding judge. An effort should be made to facilitate broadcast quality sound. All microphones placed in the courtroom will be wireless.

(2) Video and photographic equipment must be of professional quality with minimal noise so as not to disrupt the proceedings; flash equipment and other supplemental lighting or sound equipment is prohibited unless otherwise approved by the presiding judge.

(i) *Restrictions.* Unless otherwise ordered by the presiding judge, the following standing orders shall govern.

(1) No flash or other lighting devices will be used.

(2) Set up and dismantling of equipment is prohibited when court is in session.

(3) No camera movement during court session.

(4) No cameras permitted behind the defense table.

(5) Broadcast equipment will be positioned so that there will be no audio recording of conferences between attorney and client or among counsel and the presiding judge at the bench. Any such recording is prohibited.

(6) Photographers and videographers must remain a reasonable distance from parties, counsel tables, alleged victims, witnesses and families unless the trial participant voluntarily approaches the camera position.

(7) All reporters and photographers will abide by the directions of the court officers at all times.

(8) Broadcast or print interviews will not be permitted inside the courtroom before or after a proceeding.

(9) Photographers, videographers and technical support staff covering a proceeding shall avoid activity that might distract participants or impair the dignity of the proceedings.

(10) Appropriate dress is required.

Comment

As the New Hampshire Supreme Court stated in Petition of WMUR Channel 9, 148 N.H. 644 (2002), a presiding judge should permit the media to photograph, record and broadcast all courtroom proceedings that are open to the public. A judge may limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequences. Closure of proceedings to the electronic media, however, should occur only if four requirements are met. (1) closure advances an overriding interest that is likely to be prejudiced; (2) the closure ordered is no broader than necessary to protect that interest; (3) the judge considers reasonable alternatives to closing the proceedings; and (4) the judge makes particularized findings to support the closure on the record.

It is the presiding judge's responsibility to ensure that trials are conducted in a fair and impartial manner, free from undue pressures and outside influences. Similarly, the presiding judge has a responsibility to the public and the press to provide reasonable access to judicial proceedings. Above all, trials must be conducted in an atmosphere of dignity and decorum.

In Petition of WMUR Channel 9, the New Hampshire Supreme Court held, among other things, that the presiding judge can limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequences. The supreme court required that trial court orders restricting coverage be. (1) based on clearly articulated findings of fact; (2) made after an evidentiary hearing during which all interested parties are entitled to be heard; (3) drawn narrowly to address a particular problem; and (4) imposed only when no other practical alternative is available.

APPENDIX UU

Adopt new District and Municipal Court Rule 2.10-A as follows:

Rule 2.10-A. Plain error

A plain error that affects substantial rights may be considered even though it was not brought to the court's attention.

APPENDIX VV

Amend District and Municipal Court Rule 3.3 by deleting said rule and replacing it with the following.

Rule 3.3. Court fees

(I) Fees

(A) Original Entries

Civil writ of summons	\$ 75.00
Replevin	\$ 75.00
Landlord/Tenant entry	\$ 50.00
Registration of foreign judgment	\$ 100.00
Small claims entry	\$ 35.00

(B) General and Miscellaneous

Motion for Periodic Payments	\$ 15.00
Petition to annul criminal record	\$ 50.00
Records research fee	\$ 25.00/individual
Original writ	\$ 1.00 each

(C) Certificates & Copies

Certificate of Judgment	\$ 10.00
Exemplification of Judgment	\$ 25.00
Certified copies	\$ 5.00
All copied material (except transcripts)	\$.50/page
Computer screen printout	\$.50/page

(II) Surcharge

Pursuant to RSA 490:24, II, the sum of \$20.00 shall be added to the fees set forth in paragraph (I)(A) above.

APPENDIX WW

Amend Probate Court Rule 19 by deleting said rule and replacing it with the following:

Rule 19. Attorneys – *Appearing Pro Hac Vice*

(A) An attorney, who is not a member of the Bar of this State, shall not be allowed to engage in the trial or hearing in any case, except on application to appear pro hac vice, which will not ordinarily be granted unless a member of the Bar of this State is associated with him or her and present at the trial or hearing.

(B) An attorney who is not a member of the Bar of this State seeking to appear pro hac vice shall file a verified application with the court, which shall contain the following information:

- (1) the applicant's residence and business address;
- (2) the name, address and phone number of each client sought to be represented;
- (3) the courts before which the applicant has been admitted to practice and the respective period(s) of admission;
- (4) whether the applicant: (a) has been denied admission pro hac vice in this State; (b) had admission pro hac vice revoked in this State; or (c) has otherwise formally been disciplined or sanctioned by any court in this State. If so, the applicant shall specify the nature of the allegations; the name of the authority bringing such proceedings; the caption of the proceedings, the date filed, and what findings were made and what action was taken in connection with those proceedings;
- (5) whether any formal, written disciplinary proceeding has ever been brought against the applicant by any disciplinary authority in any other jurisdiction within the last five years and, as to each such proceeding: the nature of the allegations; the name of the person or authority bringing such proceedings; the date the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings;
- (6) whether the applicant has been formally held in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to its rules or orders, and, if so: the nature of the allegations; the name of the court before which such proceedings were conducted; the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings (a copy of the written order or transcript of the oral rulings shall be attached to the application); and

(7) the name and address of each court or agency and a full identification of each proceeding in which the applicant has filed an application to appear pro hac vice in this State within the preceding two years; the date of each application; and the outcome of the application.

(8) In addition, unless this requirement is waived by the probate court, the verified application shall contain the name, address, telephone number and bar number of an active member in good standing of the Bar of this State who will be associated with the applicant and present at any trial or hearing.

(C) The court has discretion as to whether to grant applications for admission pro hac vice. An application ordinarily should be granted unless the court finds reason to believe that such admission:

(1) may be detrimental to the prompt, fair and efficient administration of justice;

(2) may be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent;

(3) one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk; or

(4) the applicant has engaged in such frequent appearances as to constitute common practice in this State.

APPENDIX XX

Amend Probate Court Rule 78 by deleting said rule and replacing it with the following.

Rule 78. PHOTOGRAPHING, RECORDING AND BROADCASTING

(a) The presiding judge should permit the media to photograph, record and broadcast all courtroom proceedings that are open to the public. The presiding judge may limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequence. Except as specifically provided in this rule, or by order of the presiding justice, no person shall within the courtroom take any photograph, make any recording, or make any broadcast by radio, television or other means in the course of any proceeding.

(b) Official court reporters and authorized recorders, are not prohibited by section (a) of this rule from making voice recordings for the sole purpose of discharging their official duties.

(c) *Proposed Limitations on Coverage by the Electronic Media.* Any party to a court proceeding – or any other interested person – shall notify the court at the inception of a matter, or as soon as practicable, if that person intends to ask the court to limit electronic media coverage of any proceeding that is open to the public. Failure to notify the court in a timely fashion may be sufficient grounds for the denial of such a request. In the event of such a request, the presiding judge shall either deny the request or issue an order notifying the parties to the proceeding and all other interested persons that such a limitation has been requested, establish deadlines for the filing of written objections by parties and interested persons, and order an evidentiary hearing during which all interested persons will be heard. The same procedure for notice and hearing shall be utilized in the event that the presiding judge *sua sponte* proposes a limitation on coverage by the electronic media. A copy of the court's order shall, in addition to being incorporated in the case docket, be sent to the Associated Press, which will disseminate the court's order to its members and inform them of upcoming deadlines/hearing.

(d) *Advance Notice of Requests for Coverage.* Any requests to bring cameras, broadcasting equipment and recording devices into a New Hampshire courtroom for coverage of any court proceedings shall be made as far in advance as practicable. If no objection to the requested electronic coverage is received by the court, coverage shall be permitted in compliance with this rule. If an objection is made, the media will be so advised and the court will conduct an evidentiary hearing during which all interested parties will be heard to determine whether, and to what extent, coverage by the electronic media or still photography will be limited. This rule and procedures also apply to all court procedures conducted outside the courtroom or the court facility.

(e) *Pool Coverage.* The presiding judge retains discretion to limit the number of still cameras and the amount of video equipment in the courtroom at one time and may require the media to arrange for pool coverage. The court will allow reasonable time prior to a proceeding

for the media to set up pool coverage for television, radio and still photographers providing broadcast quality sound and video.

(1) It is the responsibility of the news media to contact the clerk of court in advance of a proceeding to determine if pool coverage will be required. If the presiding judge has determined that pool coverage will be required, it is the sole responsibility of the media, with assistance as needed from the court clerk, to determine which news outlet will serve as the “pool.” Disputes about pool coverage will not be resolved by the court. Access may be curtailed if pool agreements cannot be reached.

(2) In the event of multiple requests for media coverage, because scheduling renders a pool agreement impractical, the court clerk retains the discretion to rotate media representatives into and out of the courtroom.

(f) *Live Feed.* Except for good cause shown, requests for live coverage should be made at least five (5) days in advance of a proceeding.

(g) *Exhibits.* For purposes of this rule, access to exhibits will be at the discretion of the presiding judge. The court retains the discretion to make one “media” copy of each exhibit available in the court clerk’s office.

(h) *Equipment.* Exact locations for all video and still cameras, and audio equipment within the courtroom will be determined by the presiding judge. Movement in the courtroom is prohibited, unless specifically approved by the presiding judge.

(1) Placement of microphones in the courtroom will be determined by the presiding judge. An effort should be made to facilitate broadcast quality sound. All microphones placed in the courtroom will be wireless.

(2) Video and photographic equipment must be of professional quality with minimal noise so as not to disrupt the proceedings; flash equipment and other supplemental lighting or sound equipment is prohibited unless otherwise approved by the presiding judge.

(i) *Restrictions.* Unless otherwise ordered by the presiding judge, the following standing orders shall govern.

(1) No flash or other lighting devices will be used.

(2) Set up and dismantling of equipment is prohibited when court is in session.

(3) No camera movement during court session.

(4) No cameras permitted behind the defense table.

(5) Broadcast equipment will be positioned so that there will be no audio recording of conferences between attorney and client or among counsel and the presiding judge at the bench. Any such recording is prohibited.

(6) Photographers and videographers must remain a reasonable distance from parties, counsel tables, alleged victims, witnesses and families unless the trial participant voluntarily approaches the camera position.

(7) All reporters and photographers will abide by the directions of the court officers at all times.

(8) Broadcast or print interviews will not be permitted inside the courtroom before or after a proceeding.

(9) Photographers, videographers and technical support staff covering a proceeding shall avoid activity that might distract participants or impair the dignity of the proceedings.

(10) Appropriate dress is required.

Comment

As the New Hampshire Supreme Court stated in Petition of WMUR Channel 9, 148 N.H. 644 (2002), a presiding judge should permit the media to photograph, record and broadcast all courtroom proceedings that are open to the public. A judge may limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequences. Closure of proceedings to the electronic media, however, should occur only if four requirements are met. (1) closure advances an overriding interest that is likely to be prejudiced; (2) the closure ordered is no broader than necessary to protect that interest; (3) the judge considers reasonable alternatives to closing the proceedings; and (4) the judge makes particularized findings to support the closure on the record.

It is the presiding judge's responsibility to ensure that trials are conducted in a fair and impartial manner, free from undue pressures and outside influences. Similarly, the presiding judge has a responsibility to the public and the press to provide reasonable access to judicial proceedings. Above all, trials must be conducted in an atmosphere of dignity and decorum.

In Petition of WMUR Channel 9, the New Hampshire Supreme Court held, among other things, that the presiding judge can limit electronic media coverage if there is a substantial likelihood of harm to any person or other harmful consequences. The supreme court required that trial court orders restricting coverage be. (1) based on clearly articulated findings of fact; (2) made after an evidentiary hearing during which all interested parties are entitled to be heard; (3) drawn narrowly to address a particular problem; and (4) imposed only when no other practical alternative is available.

APPENDIX YY

Amend Probate Court Rule 78-A by deleting said rule and replacing it with the following.

Rule 78-A. TRANSCRIPTS

(a) Request that Proceedings be Recorded. A Party may request that any probate proceedings be recorded. Such request shall be made in writing to the Court no later than ten (10) days prior to the proceeding. Any denial of a request for recording shall include the reason(s) supporting the denial. A request for recording, not timely filed, may be granted within the discretion of the Court.

(b) Official Record. For all purposes, including Supreme Court Rules 13-15, the official record of a recorded probate court proceeding shall be the printed transcript of the proceeding as prepared by an approved transcriber or stenographer at the request of the Register.

(c) Transcripts for Appeal. The Party or Parties shall advance the estimated cost of the transcript as ordered by the Court. Upon receipt of the required advance payment, the Register shall direct the transcriber or stenographer to proceed with the transcription.

(d) Request for Excerpts. During the course of a trial, either party may request to have parts of the evidence transcribed for use during the trial. The furnishing of a transcript or excerpts from the evidence is to be done under the direction of the probate judge or probate master.

(e) Transcripts Required for Other Than Appeal. In the event there is a Motion for a transcript of a proceeding, either partial or complete, by a Party to the proceeding or other interested Persons, for purposes other than appeal, that purpose shall be stated in the Motion.

When a Motion for transcript is granted, any other Party desiring a copy shall notify the Court within ten (10) days of the Register's notice. After the ten-day period has elapsed, the Register shall proceed in the usual manner to compute the estimated cost of the transcript and require the Party or Parties to advance this amount. Upon receipt of the required advance payment, the Register shall direct the transcriber or stenographer to proceed with the transcription.

When completed, if the transcriber or stenographer's bill exceeds the estimated payment, the Register shall collect the additional cost before releasing the transcript(s). The original shall be retained by the Register.

(f) Transcript Order by Court, Master or Referee. If a complete or partial transcript of any proceeding is ordered by a probate judge or probate master, the transcriber or stenographer shall prepare an original and such copies as ordered. The Register's office

shall provide the probate judge or probate master with a copy and retain the original and any other copies. Neither the original nor any copy shall be defaced in any way so that they may be used in the event of subsequent appeal.

(g) Special Circumstances. Any and all of the outlined procedures for preparation of transcripts may be amended at the discretion of the Court in special circumstances; *e.g.*, when there is a limited time available for processing an appeal, etc.

APPENDIX ZZ

Adopt on a permanent basis Probate Court Rule 91, which was adopted on a temporary basis by supreme court order dated April 21, 2004, and which states as follows:

Rule 91. ADOPTION OF FOREIGN-BORN CHILD

A. Unless the Court orders otherwise, for purposes of RSA 170-B:6, VI, any one of the following documents, which indicate that the child is a foreign adoptee (IR-3 status) or the subject of a foreign guardianship awarded for the purpose of the child's adoption in the United States (IR-4 status), will be accepted by the Court as evidence that the parental rights of the parents of the proposed adoptee have been voluntarily or involuntarily terminated by the proper authorities in a foreign country:

1. An attested or certified copy of the adoptee's Certificate of Citizenship issued by the U.S. Citizenship and Immigration Services.
2. An attested or certified copy of the proposed adoptee's alien registration card indicating either IR-3 or IR-4 status.
3. An attested or certified copy of the proposed adoptee's passport issued in his/her country of birth, with the U.S. Visa stamp affixed indicating either IR-3 or IR-4 status.

B. Unless the Court orders otherwise, for purposes of RSA 170-B:22, II, any of the documents specified in section A above, except those bearing an IR-4 status, are acceptable documentation and satisfactory evidence to establish the validity of a foreign adoption.

C. The attestation or certification of the copies deemed acceptable under the preceding sections shall be by a notary public commissioned under the laws of the jurisdiction where the act occurs and shall be substantially in the following form:

"A true copy attest

Notary Public
My Commission Expires: _____
Affix Notarial Seal Here"

or, alternatively,

"I hereby certify that I have personally examined and compared this copy against the original instrument and find this copy to be a true copy of the original in every respect save this certification.

Notary Public
My Commission Expires: _____
Affix Notarial Seal Here"